

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ANTWIONE A. PARSLEY,

Petitioner,

V.

BRUCE DAVIS,

Respondent.

Civ. No. 20-16397 (NLH)

MEMORANDUM OPINION & ORDER

APPEARANCES:

Antwione A. Parsley
740631/299084-D
New Jersey State Prison
PO Box 861
Trenton, NJ 08625

Petitioner Pro se

Kristin J. Telsey, Salem County Prosecutor
David Galemba, Assistant Prosecutor
Salem County Prosecutor's Office
Fenwick Building
87 Market Street
P.O. Box 462
Salem, NJ 08079

Attorneys for Respondent

HILLMAN, District Judge

WHEREAS, Petitioner Antwione A. Parsley filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, see ECF No. 1; and

WHEREAS, the Court dismissed the petition as untimely on April 20, 2022, ECF No. 15; and

WHEREAS, Petitioner filed an appeal with the United States Court of Appeals for the Third Circuit, ECF No. 16; and

WHEREAS, the Third Circuit denied a certificate of appealability on July 29, 2022, ECF No. 18; and

WHEREAS, on December 21, 2022, Petitioner filed a motion for relief from judgment under Federal Rule of Civil Procedure 60(b), ECF No. 19; and

WHEREAS, Respondent filed its opposition on January 24, 2023, ECF No. 20. Respondent requests the Court accept its filing nunc pro tunc due to a heavy workload in the state courts and prescheduled vacation, ECF No. 21; and

WHEREAS, in the interests of justice, the Court will grant the motion and file the opposition nunc pro tunc. The motion for relief will be adjourned until March 6, 2023, and Petitioner will have until February 27, 2023 to submit any reply to the opposition,

THEREFORE, IT IS on this 26th day of January, 2023

ORDERED that Respondent's motion to submit their opposition papers nunc pro tunc, ECF No. 21, shall be, and the same hereby is, GRANTED; and it is further

ORDERED that the motion for relief from judgment, ECF No. 19, shall be adjourned until March 6, 2023. Petitioner's reply papers are due February 27, 2023; and it is finally

ORDERED that the Clerk shall send Petitioner a copy of this Order by regular mail.

At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.